

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

Marcus Sharif McNeal,

Petitioner

V.

Jerry Howell, et al.,

## Respondents

Case No. 2:19-cv-00679-JAD-VCF

## **Order Dismissing Action**

[ECF No. 1]

10 This habeas corpus action was initiated by Marcus Sharif McNeal, a prisoner at Nevada's  
11 Southern Desert Correctional Center. McNeal filed a Petition for Writ of Habeas Corpus<sup>1</sup> and an  
12 Application to Proceed *in Forma Pauperis*.<sup>2</sup>

The financial information provided with McNeal's Application to Proceed *in Forma Pauperis* indicates that he is unable to pay the filing fee for this action, so I grant the application and will not require McNeal to pay the filing fee for this action.

16 However, I dismiss this case because it is duplicative of another action he already has  
17 pending before me: Case Number 2:16-cv-01618-JAD-GWF. In both that case and this one,  
18 McNeal challenges his 2013 judgment of conviction in Nevada’s Eighth Judicial District Court.<sup>3</sup>  
19 Because this case is duplicative of his 2016 pending one, I summarily dismiss this case because  
20 it is duplicative and serves no legitimate purpose. McNeal must assert any challenge to his 2013  
21 convictions in already pending Case Number 2:16-cv-01618-JAD-GWF.

25 | <sup>1</sup> ECF No. 1-1.

26 || <sup>2</sup> ECF No. 1.

<sup>27</sup> See Petition for Writ of Habeas Corpus (ECF No. 1-1), p. 2, ¶ 6 (McNeal acknowledges that he challenges the same convictions in both cases).  
<sup>28</sup>

1           **IT IS THEREFORE ORDERED** that the petitioner's Application to Proceed *in Forma*  
2 *Pauperis* [ECF No. 1] is **GRANTED**. Petitioner is not required to pay the filing fee for this  
3 action.

4           **IT IS FURTHER ORDERED** that this action is DISMISSED.

5           **IT IS FURTHER ORDERED** that the petitioner is denied a certificate of appealability  
6 because reasonable jurists would not find this order to be debatable.

7           **IT IS FURTHER ORDERED** that the Clerk of the Court is directed to ENTER  
8 JUDGMENT accordingly and CLOSE THIS CASE.

9           Dated: April 23, 2019

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12           U.S. District Judge Jennifer A. Dorsey  
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